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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,546	01/30/2004	Cathy Johnson	551001-1010	6598

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CARLTON FIELDS, PA  
P.O. BOX 3239  
TAMPA, FL 33601-3239

EXAMINER
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SOTELO, JESUS D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/768,546	<b>Applicant(s)</b> JOHNSON ET AL.	
	<b>Examiner</b> Jesús D. Sotelo	<b>Art Unit</b> 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. Claims 1-23 are in the application.

#### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11- are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett in view of Young and Carter.

Barrett discloses a storage device for removably attaching to structures on a boat and for storing items; the storage device includes a support member comprising a marine fabric; at least one pocket member 228a for receiving an item to be stored on the boat; and grommets 269, 271 for removably attaching the storage device to a structure on the boat. The support member and the pockets are made from a vinyl, canvas, nylon, or co-polymer or polymeric material; the pockets are formed from an acrylic material. The support member includes a plurality of pockets.

Young discloses a storage, similar in function to that of Barrett. Young teaches making the outer edges of the support member reinforced with a binding material.. Young also teaches the use of a strap in combination with D-rings for securing the same. Carter discloses a storage device similar to that of Barrett. Carter teaches the use straps for securing a storage bag to a structure.

Barrett does not teach the folding of the support member for creating the pockets. This, however, is a method of construction which does not carry patentable weight in this claim.

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The material used by Barrett is similar to the material used to make the support member in the claims. Variations in the type of material used is deemed to have been an obvious matter of design choice with the skill of one having ordinary skill in the art.

Barrett teaches the use of grommets and S-hooks to connect the support member to a structure on a boat. Carter teaches the use of straps in combination with buckles and hooks for the same purpose. Young teaches the use of a strap in combination with D-rings for securing a storage device. In view of these disclosures, it would have been obvious to one having ordinary skill in the art to substitute for the grommets and hooks used by Barrett to secure the storage device on a boat with straps and securing means generally as taught by Carter. The use of D-rings in combination with straps for securing things is well known in the art as taught by Young. To use D-rings in lieu of buckles in the arrangement above would have been an obvious matter of design choice to one skilled in the art.

4. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biemiller.

Biemiller discloses a storage device for removably attaching to a T-top on a boat for storing items comprising a frame 10 comprising a marine fabric having an opening to a storage area defined by the frame for receiving an item; an access flap 40; the access flap being secured to the storage area. The storage device includes a plurality of straps secured to the frame for securing the frame to a T-top on a boat; each of the straps including a first end for attaching to a first structure of the T-top and a second end for attaching to a second structure of the T-top.

Biemiller teaches that his storage device can be made from varied materials including plastics.

Although the straps in the disclosure of Biemiller are shown as being secured, in use, on the top of the storage device, the device could obviously be used in a reversed condition wherein the

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straps would be located on the bottom of the storage device. The difference would be a mere method of use without any need to modify the structure of the storage device. It is deemed that it would have been obvious to one having ordinary skill in the art to use the storage device of Biemiller with the straps on the bottom. Such an arrangement would have been desirable as it would provide additional support to the storage structure.

5. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biemiller in view of Young.

Young discloses a storage device and teaches the use of a strap and D-rings for securing the strap to a storage device. In view of this disclosure, it would have been obvious to one skilled in the art to substitute for the buckles of Biemiller with D-rings, generally as taught by Young.

Although the D-rings are not as secure as the buckles disclosed by Biemiller, the use of D-rings would have been a desirable choice to one having ordinary skill in the art as they would be easier and more economical to replace.

***Allowable Subject Matter***

6. Claims 1-10 are allowed.

***Response to Arguments***

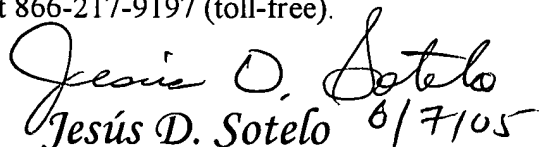
7. Applicant's arguments with respect to claims 11-23 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jesús D. Sotelo whose telephone number is 571-272-6686. The examiner can normally be reached on Mon. – Fri. 5:30 AM – 2:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Samuel J. Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Jesús D. Sotelo 6/7/05  
Primary Examiner  
Art unit 3617  
KNX 03D69 ☺

Jds/sotelo